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SUBJECT: MENCHU CASE ADVANCES IN SPAIN

1. Summary: With broad coverage in the Guatemalan press, the Spanish Supreme Court reportedly accepted Spanish jurisdiction for Nobel Laureate Rigoberta Menchu's case against six Guatemalan military leaders and two civilian officials linked to torture and murder of Spanish citizens in Guatemala in the 1980's. The Court reportedly rejected jurisdiction for Menchu's allegation of genocide, however. The Menchu Foundation here called the court decision a step in the right direction, but vowed to appeal again. The accused, including President of Congress Efraim Rios Montt, reacted calmly to the court decision and seem unconcerned about standing trial. End Summary.

BACKGROUND

2. Rigoberta Menchu filed the case upon which the Supreme Court decision was based in the Spanish courts in December 1999. She accused ex-military and police officials Benedicto Lucas Garcia, Romero Lucas Garcia, Efraim Rios Montt, Angel Anibal Guevara, Oscar Mejia Victores, German Chupina Barahona, Pedro Garcia Arredondo, and Donaldo Alvarez Ruiz, with genocide, torture, and terrorism, and the deaths of 200 thousand people between 1962 and 1996. In early 2002, says the Menchu foundation, the Spanish National Court ruled it would not hear the case, a decision that Menchu appealed. In June 2002, the Spanish Supreme Court accepted the appeal, which argued for universal jurisdiction for crimes against humanity under Spanish law.

3. Menchu's case included the attack by Guatemalan security forces on the Spanish Embassy on January 30, 1980, where indigenous and guerrilla leaders, and 14 Spanish nationals and diplomats, were killed. (Note: Menchu's father was among those killed.) The case also includes the murders of four Spanish priests between July 1980 and August 1981. These events all occurred during the reign of President Romeo Lucas Garcia.

4. The Spanish Supreme Court reportedly ruled in an eight to seven decision on March 3, 2003, to return the case to a lower court for consideration. However, the Supreme Court stipulated that the Spanish domestic courts should only concern themselves with the crimes committed against Spanish nationals. The Menchu foundation issued a statement that said they were "partially satisfied" the "door to justice was left open" but they would appeal the decision to restrict the case to Spanish subjects. Gustavo Meono, Director of the Menchu Foundation, said that the Foundation would argue in the appeal that "authors of genocide are common enemies of all humanity."

ACCUSED TAKE NEWS IN STRIDE

5. President of Congress Rios Montt is the only one of the accused still serving in a public position. Upon hearing of the court decision, Rios Montt told the press he would analyze the case with his lawyers, but that he did not "have anything to do with genocide" and that he has disproved repeated accusations of misdoing. Benedicto Lucas Garcia, chief of staff of the Army under his brother's regime, also publicly claimed innocence.

COMMENT

6. Press coverage of the Spanish Supreme Court's decision could negatively affect Rios Montt's ongoing campaign for the Presidency, but much will depend upon the speed the Menchu Foundation's appeals move through the Spanish courts. Justice for Guatemalan war crimes has moved at a snail's pace; Menchu and her colleagues are prepared for a long legal battle.

HAMILTON